



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

October 8, 2006

Lt. Gen. Carl A. Strock
Department of the Army
U.S. Army Corps of Engineers
Office of the Chief of Engineers
Washington D.C. 20314-1000

**SUBJECT: Final Environmental Assessment (FEA) for the Site 1 Impoundment;
Central and Southern Florida Project Comprehensive Everglades
Restoration Plan (CERP); Palm Beach County, Florida**

Dear Lt. Gen. Strock:

Consistent with its responsibilities under Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) Region 4 has reviewed the FEA for the above project, i.e., a 1,660-acre surface reservoir which will store storm water runoff from the Hillsboro Canal Basin urban area as well as other waters historically discharged into Hillsboro Canal. EPA provided comments on the Draft EA (DEA) in letters dated March 15, 2005 and January 10, 2006.

Construction of the Site 1 impoundment will serve as a buffer between pollution attendant to east coast urban development and the Water Conservation Areas (WCA) while specifically reducing seepage out of WCA-1. The primary design of the project is for water storage; however, passive treatment of nutrient rich storm water will also occur over time for total phosphorus. Moreover, the impounded waters would also serve to recharge downstream wellfields, as a source for agricultural uses, or be discharged to tide.

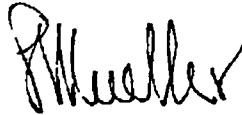
EPA Region 4 continues to suggest that a sump area be added to Site 1 to prevent (reduce) the duration of dry-down periods, that any discharges from the reservoir will comply with Florida Department of Environmental Protection (FDEP) water quality numeric criteria/standards for dissolved oxygen, and that on-going water quality monitoring and reporting is conducted. EPA requests that the COE consider these comments during its design phase for the construction of the proposed Site 1 impoundment. Overall, however, EPA supports this important part of the CERP restoration effort.

We appreciate the opportunity to review this document. Should you have specific questions regarding our comments, contact Chris Hoberg of my staff at (404) 562-9619 for

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NEPA issues and Eric Hughes of the EPA South Florida Office and located at the Jacksonville District Office, at (904) 232-2464 for technical issues.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mueller", written in a cursive style.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

cc:

Eric Bush – FDEP (Jacksonville District COE): Jacksonville, FL

Greg Knecht – FDEP: Tallahassee, FL

Paul Souza – FWS: Vero Beach, FL



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

November 28, 2006

Mr. Lee Ware
U.S. Army Corps of Engineers
Headquarters CECW-P (SA)
7701 Telegraph Road
Alexandria, VA 22315-3860

RE: Department of the Army, Jacksonville District Corps of Engineers –
Central and Southern Florida Project, Comprehensive Everglades Restoration
Plan, Site 1 Impoundment Project Final Integrated Project Implementation
Report and Environmental Assessment – Palm Beach County, Florida.
SAI # FL200610062835C (Reference SAI # FL200601031756C)

Dear Mr. Ware:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16, U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4231, 4331-4335, 4341-4347, as amended, has coordinated a review of the referenced Final Integrated Project Implementation Report and Environmental Assessment (FIPIR/EA).

The Florida Department of Environmental Protection (DEP) notes that the agency's primary concerns were related to discharges to the WCA-2 from the reservoir and potential for water quality impacts associated with reservoir dry-out and subsequent discharge. Staff advises that DEP's previous recommendation that the operational plan include a retention period after rewetting to allow for settling and additional monitoring to ensure compliance with the permit requirements will need to be addressed during the permitting process. Please address the comments included in the enclosed DEP memorandum to ensure consistency with the objectives outlined in the Comprehensive Everglades Restoration Plan.

Based on the information contained in the FIPIR/EA and the enclosed state agency comments, the state has determined that, at this stage, the proposed activities are consistent with the Florida Coastal Management Program (FCMP). The concerns identified by the reviewing agencies must be addressed prior to project implementation. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews. The state's final review of the project's consistency with the FCMP will be conducted during the environmental permitting stage.

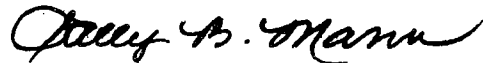
"More Protection, Less Process"

Printed on recycled paper.

Mr. Lee Ware
November 28, 2006
Page 2 of 2

Thank you for the opportunity to review the proposed project. Should you have any questions regarding this letter, please contact Mr. Christopher J. Stahl at (850) 245-2169.

Sincerely,

A handwritten signature in black ink, reading "Sally B. Mann". The signature is written in a cursive, flowing style.

Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/cjs
Enclosures

cc: John Outland, DEP, MS 45
Greg Knecht, DEP, MS 3560
Tim Gray, DEP, Southeast District



Florida

Department of Environmental Protection

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| Project Information | |
|--|--|
| Project: | FL200610062835C |
| Comments Due: | 11/08/2006 |
| Letter Due: | 12/01/2006 |
| Description: | DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - CENTRAL AND SOUTHERN FLORIDA PROJECT, COMPREHENSIVE EVERGLADES RESTORATION PLAN, SITE 1 IMPOUNDMENT PROJECT FINAL INTEGRATED PROJECT IMPLEMENTATION REPORT AND ENVIRONMENTAL ASSESSMENT - PALM BEACH COUNTY, FLORIDA. |
| Keywords: | ACOE - FINAL IPIR/EA C&SF CERP SITE 1 IMPOUNDMENT PROJECT - PALM BEACH CO. |
| CFDA #: | 99.997 |
| Agency Comments: | |
| TREASURE COAST RPC - TREASURE COAST REGIONAL PLANNING COUNCIL | |
| The proposed project is not in conflict or inconsistent with the Strategic Regional Policy Plan. The project furthers Regional Goal 6.9, Protection and Sustainability of the Everglades Ecosystem. | |
| PALM BEACH - | |
| FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION | |
| No Comments Received | |
| STATE - FLORIDA DEPARTMENT OF STATE | |
| No Comment/Consistent | |
| TRANSPORTATION - FLORIDA DEPARTMENT OF TRANSPORTATION | |
| All previous comments have either been addressed or are included in the documentation. District Four FDOT has no additional comments at this time. | |
| ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION | |
| <p>DEP provided comments to the Revised Draft IPIR and EA on 2/3/06. Our primary concerns were the discharges to the WCA-2 from the reservoir and the associated water quality impacts. The responses to our concerns provided in Appendix B state that there will be no discharges from the impoundment into the WCAs. The operational plan should include a retention period after rewetting and prior to first discharge to adequately allow for settling coupled with additional monitoring to ensure that initial discharges after rewetting meet permit requirements. This will be addressed during the permitting process. Section 7, pages 7-33 state that the Site 1 Impoundment Project does not include any wetland or natural area improvement feature, but Page x of the Executive Summary states that approximately 7,735 feet of littoral shelf along the eastern boundary seepage canal will establish additional bird foraging opportunities by creating habitat for feeder fish in their preferred zone of shallow water. The Site 1 Monitoring Plan (Annex C) should be revised to reflect the all of the recommendations made by RECOVER dated 10/03/05 in Annex D. DEP supports the selected alternative plan (Alternative C) for Site 1 Impoundment as presented in the Final PIR and EA dated April 2006. The plan will improve water quality and hydrological conditions in the LNWR and downstream estuaries, with some incidental benefits including water supply, flood damage reduction and improvement of water quality in the Hillsboro Canal. The project is consistent with the objectives as outlined in the Comprehensive Everglades Restoration Plan as long as the following minor comments are addressed. The review and comments provided do not constitute the State's formal review of CERP project components. This project will require a Comprehensive Everglades Restoration Plan Regulation Act permit and may require a NPDES Generic Permit. Other permits may be required during the construction phase of this project.</p> | |
| SOUTH FLORIDA WMD - SOUTH FLORIDA WATER MANAGEMENT DISTRICT | |
| The SFWMD is a partner with the USACOE in this project. Consequently, a consistency determination is not necessary. | |



Memorandum

TO: Florida State Clearinghouse

THROUGH: Greg Knecht, Administrator
Water Quality Standards & Special Projects Program

FROM: Dianne K. Hughes and John Outland

DATE: November 21, 2006

SUBJECT: Department of the Army, Jacksonville District Corps of Engineers,
Comprehensive Everglades Restoration Plan – Site 1 Impoundment Project Final
Project Implementation Report (PIR) and Environmental Assessment – Palm
Beach County, Florida, April 2006

SAI #: FL06-2835C

Background

The Site 1 Impoundment Project was previously part of the Water Preserve Area Feasibility Study which helped define the project area, objectives and initial alternatives. The project is one of 12 components identified in the WPA Feasibility Study that collectively were designed to capture and store stormwater runoff from the lower east coast of Florida that was previously discharged to tide and to reduce seepage by retaining it in the natural system. The selected plan consists of an eight foot deep 1,800 acre above ground reservoir adjacent to the Hillsboro Canal with an effective storage area of 1,660 acres and a storage capacity of 13,500 acre feet. The purpose of the project is to capture and store local runoff during wet periods and then use that water to supplement water deliveries to the Hillsboro Canal during dry periods thus reducing demands for releases from Lake Okeechobee and Arthur R. Loxahatchee National Wildlife Refuge (LNWR). The project will also reduce seepage loss from the Refuge, which should improve habitat and functional quality, and improve native plant and animal abundance and diversity.

Comments

The Department provided comments to the Revised Draft Integrated PIR and EA on February 3, 2006. Our primary concerns were related to discharges to the WCA-2 from the reservoir and potential for water quality impacts associated with reservoir dry-out and subsequent discharge. The responses to our concerns provided in Appendix B state that there will be no discharges from the impoundment into the WCAs. However, there is not a response that directly addresses our suggestion that the operational plan include a retention period after rewetting and prior to first discharge to adequately allow for settling coupled with additional monitoring to ensure that initial discharges after rewetting meet permit requirements. This issue will need to be addressed during the permitting process.

Section 7, pages 7-33 state that the Site 1 Impoundment Project does not include any wetland or natural area improvement features.... However, page x of the Executive Summary states that approximately 7,735 feet of littoral shelf along the eastern boundary seepage canal will establish additional wading bird foraging opportunities by creating habitat for feeder fish in their preferred zone of shallow water.

The Site 1 Impoundment Water Quality Monitoring Plan (Annex C) should be revised to reflect the all of the recommendations made by RECOVER in the report dated 10/03/05 in Annex D.

The Department of Environmental Protection supports the selected alternative plan (Alternative C) for Site 1 Impoundment as presented in the Final Project Implementation Report and Environmental Assessment, dated April 2006. According to the Final PIR, the selected plan will improve water quality and hydrological conditions in the LNWR and in downstream estuaries. The plan will also provide some incidental benefits including water supply, flood damage reduction and improvement of water quality in the Hillsboro Canal. Therefore, we consider the project consistent with the objectives as outlined in the Comprehensive Everglades Restoration Plan (CERP), as long as the following minor comments are addressed.

The review and comments provided do not constitute the State's formal review of CERP project components as required by state law under §373.1501, Florida Statutes (F.S.), and §373.026, F.S.

Permits

Upon completion of detailed design, this project will require a Comprehensive Everglades Restoration Plan Regulation Act (CERPRA) permit pursuant to Chapter 373.1502, F.S. The project may require a NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities in accordance with Rule 62-621.300(4), Florida Administrative Code. Other Department permits may be required during the construction phase of this project, as applicable.

We look forward to continuing our relationship with the U.S. Army Corps of Engineers and the South Florida Water Management District as we move forward with implementing the Comprehensive Everglades Restoration Plan. If you have any questions regarding these comments, please feel free to contact Ms. Dianne K. Hughes at 561-681-6703.

cc: Dianne K. Hughes (email)
John Outland (email)
Tim Gray (email)

COUNTY: PALM BEACH

DATE: 10/6/2006

COMMENTS DUE DATE: 11/8/2006

CLEARANCE DUE DATE: 12/1/2006

SAI#: FL200610062835C

REFER TO: FL200601031756C

*Palm Bch
Corps*

*No. 1
2006-09454*

MESSAGE:

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| STATE AGENCIES |
| ENVIRONMENTAL PROTECTION |
| FISH and WILDLIFE COMMISSION |
| <input checked="" type="checkbox"/> STATE |
| TRANSPORTATION |

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| WATER MNGMNT. DISTRICTS |
| SOUTH FLORIDA WMD |

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| OPB POLICY UNIT |
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The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- ☒ Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - CENTRAL AND SOUTHERN FLORIDA PROJECT, COMPREHENSIVE EVERGLADES RESTORATION PLAN, SITE 1 IMPOUNDMENT PROJECT FINAL INTEGRATED PROJECT IMPLEMENTATION REPORT AND ENVIRONMENTAL ASSESSMENT - PALM BEACH COUNTY, FLORIDA.

To: Florida State Clearinghouse

AGENCY CONTACT AND COORDINATOR (SCH)
3900 COMMONWEALTH BOULEVARD MS-47
TALLAHASSEE, FLORIDA 32399-3000
TELEPHONE: (850) 245-2161
FAX: (850) 245-2190

EO. 12372/NEPA Federal Consistency

- | | |
|--|---|
| <input checked="" type="checkbox"/> No Comment | <input checked="" type="checkbox"/> No Comment/Consistent |
| <input type="checkbox"/> Comment Attached | <input type="checkbox"/> Consistent/Comments Attached |
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Inconsistent/Comments Attached |
| | <input type="checkbox"/> Not Applicable |

From: Division of Historical Resources

Division/Bureau: Bureau of Historic Preservation

Reviewer:

Jamie Madley

*Laura A. Kammerer
Deputy S&PO*

Date:

11/13/06

11.13.2006

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HISTORIC PRESERVATION